IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 10093 OF 2004

Date of decision : September 25, 2006

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Rajesh Kaushik .....Petitioner

Vs.

State of Haryana & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Sh. Harish Goyal, Advocate for the petitioner.
Sh. Kamal Mor, Advocate for respondents no. 2 & 3.

Viney Mittal, J. (Oral)

Written statement on behalf of respondents no. 2 & 3 has been filed in the Court today. The same is taken on record. A copy thereof has been supplied to the learned counsel for the petitioner.

The petitioner has approached this Court challenging the order dated April 25, 2003 (Annexure P-11) passed by the Estate Officer, HUDA, Panchkula whereby the claim of the petitioner for the allotment of the plot under the oustees category has been rejected. Further direction has been sought against the respondents to allot the petitioner a plot under the oustees quota category. The petitioner has claimed that the land including the factory of the petitioner was acquired by the State Government of Haryana for public purpose namely, for the development and utilization of the land for recreational and commercial purposes of Sector 3, Urban Estate, Panckula. The petitioner has appended a copy of the Award no.6 dated March 27, 1989, whereby the petitioner was granted compensation for the

aforesaid acquired property. A copy of the aforesaid award has been appended as Annexure P-1 with the present petition. The name of the petitioner finds mention in the aforesaid award. In view of the various policies for allotment of plots to the oustees framed by HUDA, the petitioner applied to the respondents for the allotment of a plot on the basis of his being an oustee. The claim made by the petitioner was earlier rejected vide order dated May 14, 2001. The petitioner approached this Court and the same was decided with a direction that the order dated May 14, 2001 was passed on wrong assumption of facts. Consequently, the said order was set aside and the matter was remanded back to reconsider the case of the petitioner. The case of the petitioner has been reconsidered and rejected vide order dated April 25, 2003 (Annexure P-11). It is in these circumstances that the petitioner has approached this Court through the present petition.

The claim of the petitioner has been contested by the respondents. In a written statement filed on behalf of respondents no. 2 & 3, it has been maintained that the petitioner was required to appear before the Estate Officer on December 20, 2001 and was required to submit the proof of ownership of the acquired land. The petitioner did not submit any such proof. In view of the aforesaid fact, the claim of the petitioner has not been found to be tenable.

After hearing learned counsel for the parties and taking into consideration the pleas raised by the parties, we are satisfied that in view of the fact that the name of the petitioner finds specific mention in the award Annexure P-1 indicating that his property had been acquired, the claim of the petitioner is prima facie justified and requires to be reconsidered by the authorities.

Consequently, we allow the present petition and quash the order dated April 25, 2003 (Annexure P-11) and direct the Estate Officer, HUDA, Panchkula to reconsider the claim of the petitioner for allotment of a plot under the oustees quota. For this purpose, the petitioner shall appear before the Estate Officer, HUDA, Panchkula on October 31, 2006 at 10:00 A.M. The petitioner shall be required to file written submissions along with all the relevant documents. Thereafter the Estate Officer shall take into consideration all the facts and circumstances and pass a detailed and

speaking order within a period of 3 months from the date of appearance of the parties.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 25, 2006
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(H.S BHALLA)
JUDGE